

03/19/2013 09:49 FAX 9738221116

McGivney Kluger

003/004

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/19/13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN DISASTER SITE
LITIGATION

Case No.: 21 MC 102 (AKH)

ANGEL HUALPA (AND WIFE, ROSA HUALPA),

Plaintiff(s),

-against-

100 CHURCH, LLC, *et al.*,

Defendant(s).

Docket No.: 05-CV-02501-AKH

STIPULATION OF
DISCONTINUANCE AS TO
DEFENDANT, CDL NEW YORK
LLC MILLENNIUM HILTON,
ONLY.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendant *CDL (NEW YORK) LLC v/s/h/a CDL NEW YORK LLC MILLENNIUM HILTON*, only as to the claims being made as to the premises located at 55 Church Street, New York, New York shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the course of the litigation which determines that the *MILLENNIUM HILTON* is a proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.

03/19/2013 09:49 FAX 9738221116

McGivney Kluger


004/004


This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
February 14, 2013

McGIVNEY & KLUGER, P.C.
Attorneys for Defendant
CDL (NEW YORK) LLC v/s/b/a CDL NEW
YORK LLC MILLENNIUM HILTON,

WORBY GRONER EDELMAN & NAPOLI
BURN, LLP
Attorneys for Plaintiffs

By: 
Richard B. Leff (RL-2123)
80 Broad Street, 23rd Floor
New York, New York 10004
(212) 509-3456
(Our File: 1537G-0001)

By: 
Christopher R. LoPalo (CL-6466)
115 Broadway, 12th Floor
New York, New York 10006
(212) 267-3700

So Ordered: 

3-19-13